IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 5907 of 1995

Between:

`1.M.Divya Teja s/o M.Vijaya Kumar reddy

aged about 30 years,Plot No.3.

2.S.Bharathi D/o S.Rama Krishna Reddy,

aged about 35 years,Plot No.4

3.M.Bhaskar Reddy s/o M.Nagi Reddy,

aged about 33 years,Plot No.5

4.P.Vellamma w/o P.Ramachandra Reddy,

aged about 40 years,Plot No.10.

5.P.Amzad Alikhan, s/o P.Masthan Khan,

aged about 35 years,Plot No.11

6.C.K.Leelavathi D/o C.K.Narayana Reddy,

aged about 25 years, Plot No.17.

7.P.Srinivasulu Reddy, S/o P.Mohan Reddy,

aged about 33 years, Plot No.18

8.N.Raja Reddy, s/o N.Nagi Reddy,

aged about 37 years, Plot No.24

9.N.Rama Krishna Reddy s/o N.Nagi reddy,

aged about 42 years,Plot No.25

10.P.Lakshmidevamma, w/o P.Sadasivareddy,

aged about 48 years, Plot No.31.

11.P.Ram Mohan Reddy, s/o P.Sadasiva reddy,

aged about 32 years,Plot No.32.

12.K.Thati Reddy, s/o K.Sidda Reddy,

aged about 30 years, Plot No.38.

13.V.Kumaramma, w/o V.Harinadhareddy,

aged about 32 years, Plot No.39

14.T.Jayachandrareddy, s/o T.Venkatreddy,

aged about 38 years, Plot No.45

15.K.Hrinathareddy, s/o K.Venkatreddy,

aged about 35 years, Plot No.46.

(All are residents of Tirupathi,Chittoor District.)

..... PETITIONER

AND

The Mandal Revenue Officer, Tirupati

Urban Mandal, Chittoor District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction mostly one which is in the nature of writ of Mandamus declaring the action of the respondent in taking steps to evict the petitioners from the house sites assigned to them on 16-05-1981 as pattas admeasuring 5 cents each in Survey No.176 of Chinnayagunta village, H/o M.R.Palli, Chandragiri Taluq, Chittoor District as illegal, irregular, contrary to the Board Standing Orders and established principles of Law, arbitrary, unjustified and unsustainable and direct the respondent to forbear from taking any such action for eviction of the petitioners from the above said plot and pass such other order or orders as it may deem fit.

Counsel for the Petitioners: MR.P.VEERA REDDY

Counsel for the Respondent: GP FOR REVENUE

The Court made the following :

ORDER:

This writ petition has been filed seeking to declare the action of the respondent in taking steps to evict the petitioners from the house sites assigned to them on 16-05-1981 in S.No.176 of Chinnayagunta Village as illegal and arbitrary.

The facts of the case may briefly be recited thus:

The petitioners are in possession and enjoyment of the small extents of sites situate in S.No.176 from several decades. Being land less poor, they submitted applications for assignment of house sites to the Tahsildar. After conducting a detailed enquiry, the then Tahsildar issued proceedings dated 16-05-1981 and assigned pattas in their favour. Since then they are in possession and enjoyment of the same. When they are trying to construct pucca houses, the respondent objected for the same and stated that steps are being taken for their eviction. In view of the grant of pattas as per the Board Standing Orders, the respondent has no manner of right either to resume the land or to evict them without following the due process of

law.

Heard the learned counsel on either side.

As a matter of fact, no action has been initiated by the respondent. But, it is only an apprehension of the petitioners that they may be evicted.

In the facts and circumstances of the case, without expressing any opinion on the merits of the case, it would suffice, if a direction is issued to the respondent, not to initiate any action for eviction of the petitioners without following the due process of law, if they are still in possession of the same.

Subject to the above direction, the writ petition is disposed of. No costs.

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23-09-2004

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To

1. The Mandal Revenue Officer, Tirupati,

Urban Mandal, Chittoor District.

2. Two CCs to GP for Revenue, High Court

buildings, Hyderabad, (OUT)

3. Two CD copies.